

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

1 Michael K. Brown (State Bar No. 104252)
Thomas J. Yoo (State Bar No. 175118)
2 REED SMITH LLP
355 South Grand Avenue, Suite 2900
3 Los Angeles, CA 90071
Telephone: (213) 457-8000
4 Facsimile: (213) 457-8080

5 Steven J. Boranian (State Bar No. 174183)
R. Euna Kim (State Bar No. 222141)
6 REED SMITH LLP
Two Embarcadero Center, Suite 2000
7 San Francisco, CA 94111
Telephone: (415) 543.8700
8 Facsimile: (415) 391.8269

9 Attorneys for Defendant Merck & Co., Inc.

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13

14 KATHLEEN TAYLOR,

15 Plaintiff,

16 vs.

17 MERCK & CO., INC., a foreign
corporation, and DOES 1 through 50,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

No. 4:05-cv-02050 CW

**STIPULATION AND ~~PROPOSED~~ ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS*
LIABILITY LITIGATION, MDL NO. 1657**

1 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
2 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
3 *Litigation*, MDL No. 1657.

4
5 Plaintiff alleges personal injuries attributed to the prescription drug VIOXX®. Defendant
6 Merck & Co., Inc. ("Merck") manufactured and distributed VIOXX®, but voluntarily withdrew
7 VIOXX® from the market on September 30, 2004.

8
9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued an
10 order transferring 148 VIOXX®-related cases to the United States District Court for the Eastern
11 District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends to
12 seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability*
13 *Litigation*, MDL No. 1657, and will provide the JPML with notice of this action pursuant to the
14 procedure for "tag along" actions set forth in the rules of the JPML. A stay will potentially conserve
15 judicial resources and will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*,
16 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further
17 judicial economy because "any efforts on behalf of this Court concerning case management will
18 most likely have to be replicated by the judge that is assigned to handle the consolidated litigation").

19
20 Based on the foregoing, the parties respectfully request that the Court stay this action
21 pending its transfer to MDL No. 1657.

1 DATED: May 26, 2005.

2 REED SMITH LLP

3 By Euna Kim

4 R. Euna Kim
5 Attorneys for Defendant
6 Merck & Co., Inc.

7 DATED: May 26, 2005.

8 CASPER MEADOWS & SCHWARTZ

9 By Michael D. Meadows

10 Michael D. Meadows
11 Attorneys for Plaintiff
12 Kathleen Taylor

13 ORDER

14 Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO
15 ORDERED.

16 DATED: 5/31/05

17 /s/ CLAUDIA WILKEN

18 United States District Judge